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Insights into European and US Newspaper Debates between 1990 and 2005

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Abstract

For almost a decade, 'public legitimacy' has remained largely unaddressed in empirical international relations (IR) analyses of international legalization. Yet, this concept has behavioral consequences. IR scholars for long assume that a belief in the legitimacy of a norm may be one reason for a 'compliance pull' on the international stage. The present study addresses this gap. It suggests a sociological conception of legalization observable in mass media debates and encompassing law's 'public legitimacy', understood as the congruence between legal regulations and discursive practices to that effect that these rules are also accepted by the larger public. This conception is illustrated in European and US newspaper reporting about military interventions in the post-Cold War era (1990-2005). Based on a large-n media analysis, the study not only concludes that an 'international rule of law' frame is heavily diffused across the communicative practices of European and US public spheres. It also shows that two legal norms in particular – human rights and United Nations (UN) multilateralism – generate a shared sense of 'public legitimacy' across the six countries analyzed.

The Author

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1.   Introduction[1]

For years, international law norms and discourses are rapidly expanding and diffusing (Halliday/Osinsky 2006). Yet, scholarly debate has taken a strikingly one-sided turn. For most of the time, the IR literature mainly has identified international legalization phenomena in legal(ist) terms. It is described as three characteristics institutions may possess including obligation, delegation, and precision (Abbott et al. 2000; also Abbott 2000; Goldstein et al. 2000; Goldstein/Martin 2000; Keohane et al. 2000; Lutz/Sikkink 2000; Simmons 2000).[2] A corollary of this concept is that most IR studies leave aside any features of international law in the social world.[3] The bulk of research examines international law in the formal institutional context where these norms emerge, are applied, and complied with. It surprises how little light has been cast to the public dimension of these norms, such as debates in political mass communication. Except for some isolated media studies focusing on single international crisis events such as for example Iraq 2003 (Auerbach/Bloch-Elkon 2005; Meyer/Zdrada 2006 or Wessler et al. 2008), hardly any empirical research exists that provides continuous analyses of law norms over a longer period of time. In addition, *legitimacy* as piece of the puzzle largely has been ignored in IR legalization analyses generally.

However, such an investigation is a meaningful enterprise – if one agrees to the notion that 'law' derives its obligatory power not only from its 'facticity', i.e. the fact that rules are actually existing, codified and enforceable but also from its 'social validity', or, what can be called a sense of 'public legitimacy', i.e. collective agreement on the relevance and acceptability of a rule in a particular context (Habermas 1996, 1988; Finnemore/Toope 2001: 748-50; Hurd 1999: 387-389). Recognizing that law is a broad social phenomenon also manifest beyond the body of formal rules and regulations allows for a wider perspective on international legalization processes (Finnemore/Toope 2001).

Building on this understanding of law, the present study seeks to address a gap in today's IR media studies. It focuses on the concept of a 'public legitimacy' of international law. Taking European and US newspaper debates about military interventions as an example, this article asks whether a 'public legitimacy' of an 'international rule of law' has been diffused in mass communication of Western countries and, if so, whether these rules have generated a shared sense of 'public legitimacy' *across* these countries. By doing so, this work focuses on what media scholars call legal framing, that is the specific way of interpreting an issue

2   Further studies, using slightly different concepts of legalization, are provided by Mondré/Zangl (2005) and Zangl/Zuern (2004) in their edited volume, including the works by Calliess (2004); Jackson (2004); Lehmkuhl (2004); Leib (2004) and Oberthuer (2004).

3   There are, however, some empirical studies that explore law in media debates about international crisis events generally, i.e. Auerbach/Bloch-Elkon (2005); Meyer/Zdrada (2006), or Wessler et al. (2008).

in the media, of the use of armed force (Ferree 2003). These undertakings are relevant from a practical and theoretical perspective: Studying social constructions of legitimate law in mass public communication is practically important because these insights have implications for transnational governance. They can serve as guidelines for further action, not only on the day-to-day level of policy-making, but also on the level of polity-shaping. Governments could read these media discourses as a kind of 'barometer' of what courses of political action and standards of behavior between countries are considered appropriate, adequate, and relevant by the larger public. Given the wide recognition and public support of a rule of law in international security matters, as documented by this study, political actors who wish to further strengthen transnational forms of governance in this field would be well advised to position a rule of law centre-stage in their proposals. As this study shows, there are two norms in particular which promise widespread resonance with European and US expectations of recognized and relevant standards of international conduct. One is the morally derived legal rule for the protection of human rights; the other is the procedural rule concerning collective decision-making within the UN. Positioning these norms front and centre would at least lower the risk that policy initiatives will violate public expectations of what international legal rules ought to govern the use of military force.

From an academic perspective, this study adds to IR research on law by drawing a larger picture of international legalization processes at work in Western Europe and the United States. Using insights from Habermasian discourse theory, I claim that legalization is a phenomenon not only observable in the practices of public bureaucracies but also manifest in the practices of mass communication in national public spheres. This approach complements existing IR legalization research that, for a long time, has been dominated by a 'narrow and stylized' understanding of law (Finnemore/Toope 2001: 743). I claim that this "richer" understanding of legalization provides insights into shared constructions of accepted standards of conduct in international politics when a crucial and highly controversial issue of security politics is discussed in front of a mass public – the use of armed force.

This article proceeds in the following steps. Section two lays out the conceptual framework for an examination of law's 'public legitimacy' in media reporting. In more detail, section 2.1 explains why an integration of the concept of 'public legitimacy' is a meaningful expansion of existing legalization research. Using arguments from Habermasian discourse theory, section 2.2 argues that legitimate law also depends on the discursive practices in the social world and that in modern democratic society these so called 'discourses of application' (Habermas 1996) are largely channeled via national mass media. Media debates about military interventions are therefore considered a proxy for 'public legitimacy' assessments about international law rules. Section 2.3 depicts the research design; it describes the data analyzed, methods used, and the countries and newspapers included in the investigation. The thrust of section three is empirical: It comes up with clear, testable indicators of 'public legitimacy' and provides empirical evidence by examining European and US newspaper coverage of military interventions in the entire post-Cold War years (1990-2005). This analysis is based on 5,500 articles representative of a much larger data set including about 103,000 articles. In more detail, section 3.1 investigates the *visibility* of the 'public legitimacy' of law in Western newspaper reporting. Section 3.2 builds on that examination and uses linear regressions to find out whether the analyzed Western media debates are similar across countries. Finally, the major findings and key arguments are summarized in section four.

2. A Richer View of Legalization

2.1 Legitimacy and IR Legalization Research

A decade ago, Abbott et al. (2000) set the standard definition of international legalization saying that it is one form of institutionalization characterized by three dimensions: The first is obligation meaning that legal regulations impose a binding force on state and other actors (Abbott et al. 2000: 401, 408-412). The second dimension is precision meaning that legal rules clearly and unambiguously outline the expectations posed to these actors and the objectives of regulations and means of realizing it (Abbott et al. 2000: 401, 412-415). Finally, delegation meaning that third parties may be granted comprehensive authority to interpret and enforce a rule (Abbott et al. 2000: 401, 415-418). While this conception certainly has great analytical benefit for studying legalization phenomena in the formalized dimension of law, it also causes significant analytical problems:

The major point of criticism certainly is the legalist and 'narrow' definition of law underpinning the authors' conception. Such an understanding is problematic since it only provides a limited picture of legalization in international politics restricted to a description of the 'formalized and institutionalized features […] of law in public bureaucracies' (Finnemore/Toope 2001: 744; also Risse 2003). And since 'legitimacy' largely has been overlooked as a variable for legalization analysis, we only have a limited understanding of the sources of the obligatory power of law. Yet, a more constructivist approach can further our understanding of the behavioral effects of legitimacy. Accordingly, a belief in the 'legitimacy' of a norm may generate a sense of obligation and even be one reason for a 'compliance pull' (Franck 1990) on the international stage (Hurd 1999: 387; Finnemore/Toope, 2001: 748-750). And bringing in insights from Habermasian discourse theory is useful to clarify the emergence of legitimate law via a two-way procedure. One is a transparent and comprehensible procedure of norm generation in the context of formal politics, another one the congruence of these rules with discursive practices in the social world, manifest in public debates, for instance (Habermas 1996). Accordingly, all legal rules that meet these criteria may claim legitimacy. However, it is exactly the dimension of the 'public legitimacy' of law that has remained largely unaddressed in IR empirical studies on legalization to date. Yet, what is the mechanism that a 'public legitimacy' of law emerges in the discursive practices of Western countries?

2.2 Media as Settings for 'Public Legitimacy' Assessments of Law

This is where Habermas' account of legitimate law (1996, 1988) is at its best, since it helps to clarify the relevance of public debates for legalization analyses. Accordingly, legitimate law emerges in response to social discourses in modern society, therewith suggesting a close link between the formal political side of law-making and the 'outer world' of public debates. One way Habermas gives his highly complex theory grounding and a way into empirical research is by introducing the so-called 'discourses of application' (Habermas 1996: 153f, 161ff, 172, 216ff, 228ff).

Discourses of application are the realm where a legal norm is debated with reference to its specific context in order to assess its acceptance in a certain case of application (Habermas 1996: 172). Discourses of application are part of the every-day judicial practice of norm interpretation and application. Yet, they

are not confined to the formal institutionalized context of professional norm application alone (Habermas 1996: 115, 161ff). Also public debates can provide important settings where such discourses of application can take place; shared public views on the relevance and 'rightness' of a rule secure a legitimate 'rule of law', too (Habermas 1996; 1988). In modern society these debates are largely channeled via national mass media. This is why national mass media can therefore considered spaces where non-judicial, public discourses of application can potentially emerge, and where the 'public legitimacy' of legal rules may be assessed in terms of their acceptance in a particular situation. Yet, it is important to note that these debates can potentially be contradictory. Disputes may emerge over which legal rule enjoys more 'public legitimacy', i.e. which norm is the 'right' or appropriate rule of behavior in a particular situation. In regard to the norms analyzed in this study, for instance, the protection of human rights and national sovereignty stand in inherent tension with each other. Is it more important to save human lives or abstain from interfering forcefully in another state's 'internal affairs'? In this and other cases of norm application, 'public legitimacy' is clarified via argumentation (Habermas 1996: 161-163).

Though Habermasian discourse theory makes a good case for positioning mass media debates front and centre of empirical research, one cannot infer from it why an international law framing is actually employed in transnational media debate. The argument that transnational discourses of law application may actually arise in mass media rests on reasoning from constructivist social action theories. It offers a mechanism according to which argumentative choices in media debates are shaped according to a logic of appropriateness (March/Olsen 1998). In mass public debates, political actors will be asked to justify and explain their stance on the use of military force in front of a larger audience – mass media. This dynamic in mass debates applies the more since the issue analyzed in this study – military interventions - falls into the category of highly contested, complex and hotly debated issues. The question of war and peace not only touches upon national sovereignty, since decisions about military deployment are traditionally considered the realm of the nation state; the use of armed force also is contested, because the deployment of troops in international conflict always risks the lives of the soldiers sent out and the civilian population in a hot spot. That is why public debates about military interventions are likely to take on a principled nature where the moral and normative implications are discussed generally (Risse/Kantner 2004). News debates about military deployment are therefore characterized by tightened circumstances of mass public processes of argumentation, having implications for the argumentative choices actors make in the media spheres:

Assuming that a logic of appropriateness is at work on the mass public stage means that media speakers then employ law language when they consider it a relevant and accepted argument. Or in communication science talk, media speakers choose a specific "frame" of interpreting a fact or an issue in media content (e.g. Ferree 2003) when they consider it the appropriate interpretation to debate the issue of military force. Following IR research on the constitutionalization of international law (e.g. Boyle/Meyer 2002; Von Bogdandy 2006; Wiener 2006), a law framing generally belongs to the repertoire of arguments that promises high resonance with a larger audience. It is thus assumed that an international law framing is a frequently used interpretation. Sending one's 'girls and boys' abroad and risking their lives is hardly an issue that is communicated successfully to the broader public, in the sense of meeting public resonance, by evoking interest-driven interpretations. These and similar arguments would violate the logic of appropriateness.

2.3   Case Selection, Data, and Methods

The empirical examination of this study explores the 'public legitimacy' of international law by carrying out a comparative content analysis of national media debates on military interventions. The focus on these debates provides an ideal laboratory for studying 'public legitimacy' assessments. They deal with a very contested, emotional and polarizing issue, which can be easily followed by the general public and promises debates of a more general kind. For the comparative country analysis, I chose the United States and five European countries including the United Kingdom, Germany, Ireland, the Netherlands, and France. Though this selection shows a transatlantic bias, I consider debates in these countries to be adequate representatives of Western news discourse since these countries are generally viewed as important political and economic actors on the international stage. To balance any possible ideological coloring that might characterize newspaper reporting in these countries, one liberal and one conservative broadsheet are included in the investigation for each country whenever possible (see Vincent 2000).[4]

The empirical analysis provides a long-term picture of law's 'public legitimacy' in politically highly relevant publics. It uses a research design of continuous data gathering and examination. It generates and analyses longitudinal data about a law framing in the newscast of Western countries. This data set captures all media reporting about military and humanitarian interventions from six countries, representing US and European as well as major powers and smaller countries, and eleven leading broadsheets between 1990 and 2005. In total, it comprises about 103,000 articles. In order to keep the workload manageable, a sample of newspaper articles was randomly drawn for the present content analysis. This drawing technique randomly selects articles across the total time period of analysis (1990-2005), meaning that the sample reflects varying frequencies of media reporting at different points in time. Only a sample sensitive to varying intensities of coverage allows for longitudinal analysis of changes relating to the intensity of law framing in media debate about interventions. This set of articles for coding (n=5,500) accurately represents the peaks and troughs of news coverage about interventions in the larger sample (n=103,000). An in-depth frame analysis is carried out for those articles that deal with military interventions as main issue (n=3,309). Military interventions as the main subject or central issue are coded when one or several military interventions or related questions about problems, causes, effects, the legitimacy of an intervention, for instance, stand at the centre of an article. Frequently, the headline, sub-headline, or opening paragraph addresses the intervention or related questions.

The examination combined different methods. Frame analysis as a content analysis tool was carried out in a first step in order to identify patterns of interpreting the intervention issue in mass media over a long time span. In a second step, this data was submitted to statistical analysis, including linear regression models. This allowed me to estimate the 'transnationalness' of the 'public legitimacy' of law in mass debate by disentangling the impact of location and time on the intensity of legal framing.

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4   Ireland is the only exception. Since a conservative quality newspaper was not available in digitised format, only one newspaper, the liberal Irish Times, was included for Ireland. For an overview of all newspapers and time periods included in the analysis, see Table 1 in the Appendix.

3. Framing the Use of Force

3.1 The Visibility of International Law in European and US Media

This section illustrates my key argument, namely, that international law norms enjoy a wide 'public legitimacy' in Western media debates. By using novel, longitudinal data from European and US newspaper reporting, I examined whether international law on force generally and core legal rules on force in particular generate a sense of 'public legitimacy' in mass media, in terms of being visibly referred to in national media debates. In a second step, I then explored whether a 'public legitimacy' of international law rules is a pattern or "script" shared in media debates across countries (Meyer et al. 1997).

As to the possibility that International Law norms reflect a media script, this study assumes that a 'public legitimacy' of International Law norms requires the visibility of these rules in media debate first of all. If International Law rules are seen as relevant, valid, and accepted norms to govern the use of armed force, these rules will occur in the news and will be used by speakers and be visible to the media public (Peter et al. 2003: 307). If the news do not refer to these rules, the audience cannot be aware of them, assess or judge them. Visibility is thus a necessary condition of a 'public legitimacy' of international law norms. The decisive question at the beginning of my analysis of the structure and content of debate addressing law thus was: Do International Law norms reflect a visible frame to discuss military interventions in the national public spheres? The visibility of legal framing in national newspaper debate is the first criterion that will be extensively tested. Following William Gamson (1992), this study adopts a ten per cent threshold for considering a frame to be visible; visibility refers to the ratio, expressed as a percentage, of the identified references to a law frame (the actual displays) in relation to the total number of articles dealing with military interventions as the central issue (the total opportunities of display).[5] However, this study complements Gamson's indicator for visibility with a comparison between different issue frames. It sets the visibility of legal arguments in relation to the occurrence of other potential interpretations based on interest, identity or universal principles constructions. On the basis of numerous pre-tests of the coding scheme, it was safe to assume that these four categories cover the possible spectrum of mass media interpretations of the use of military force. Such a comparison, conducted by a simple comparison of means, allows us to draw safer conclusions on the actual prominence of legal interpretations because it reveals not just whether a legal framing is used, but how prominent it is in relation to rival interpretations.

Beginning with the ten per cent threshold criterion, a simple statistical analysis reveals the following findings. Table 2 shows the relative share of law language in national newspaper debates. In order to capture a law framing from a newspaper article (unit of analysis) those passages were identified that debate the issue of war and peace from a legal perspective (example: "the US secretary of state, James Baker, said military action 'looks pretty certain' unless the Saddam Hussein regime complied with the United Nations demands").[6] The displayed data in Table 2 was aggregated on an annual basis, beginning in 1990 and ending in 2005. Most importantly, Table 2 reports that about half of European and US articles discuss military intervention from a law perspective – with substantial variation between countries and noticeably lower figures in the years 2001 and 2005.[7] Aggregating the data across countries and time

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5   The study by Gamson (1992) is the only examination known to me that suggests a precise quantitative indicator to measure frame visibility; this analysis therefore takes it as a benchmark.

6   *Guardian*, 25 July 1992.

7   This may not be perfectly adequate for the analysis of longitudinal data but in this case serves as a useful illust-

shows that the average mean for law references is 49 per cent (data available on request).[8] The main message of this analysis thus says that International Law is a highly visible frame of reference in the Western mass communication about military interventions, as analyzed in this study. About every second article brings in a law perspective to discuss matters of war and peace suggesting an overwhelming focus on legal aspects of military interventions.

Table 2: Mean Table Displaying Descriptive Statistics for Law Framing in Countries, 1990 to 2005

		'90	'91	'92	'93	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	Total
F	Mean	0.56	0.60	0.58	0.56	0.56	0.56	0.36	0.38	0.58	0.51	0.44	0.38	0.70	0.72	0.52	0.06	0.57
	Std.Dev.	0.51	0.52	0.50	0.50	0.51	0.51	0.51	0.50	0.50	0.51	0.51	0.49	0.46	0.45	0.51	0.24	0.50
	N Main Issue	17	9	31	40	24	15	10	15	47	44	15	52	75	114	22	17	548
GER	Mean	-	0.00	0.36	0.40	0.35	0.45	0.37	0.43	0.54	0.35	0.46	0.20	0.62	0.45	0.44	0.33	0.42
	Std.Dev.	-	0.00	0.50	0.49	0.48	0.50	0.50	0.51	0.50	0.52	0.52	0.41	0.49	0.50	0.51	0.48	0.49
	N	-	2	13	72	40	45	22	19	50	68	12	50	60	88	25	25	591
IRL	Mean	-	-	0.64	0.52	0.43	0.19	0.64	0.36	0.59	0.46	0.33	0.31	0.76	0.63	0.47	0.25	0.55
	Std.Dev.	-	-	0.49	0.51	0.51	0.40	0.50	0.51	0.50	0.51	0.59	0.48	0.43	0.49	0.52	0.47	0.50
	N	-	-	20	21	19	15	13	10	41	24	3	15	39	81	14	7	322
NL	Mean	0.67	0.70	0.43	0.56	0.46	0.42	0.27	0.86	0.63	0.52	0.50	0.33	0.58	0.70	0.57	0.43	0.55
	Std.Dev.	0.49	0.47	0.50	0.50	0.51	0.50	0.45	0.36	0.48	0.50	0.52	0.48	0.50	0.46	0.50	0.51	0.50
	N	12	20	42	36	26	39	31	14	100	67	16	49	98	81	43	14	689
UK	Mean	0.45	0.55	0.54	0.65	0.50	0.44	0.30	0.28	0.51	0.34	0.20	0.06	0.53	0.49	0.43	0.50	0.47
	Std.Dev.	0.50	0.50	0.50	0.48	0.51	0.51	0.48	0.46	0.51	0.48	0.42	0.24	0.50	0.50	0.50	0.51	0.50
	N	50	42	70	49	49	26	10	17	41	45	10	31	67	76	28	19	630
US	Mean	0.35	0.48	0.44	0.42	0.50	0.34	0.30	0.28	0.50	0.33	0.25	0.09	0.46	0.42	0.17	0.25	0.39
	Std.Dev.	0.48	0.51	0.50	0.50	0.51	0.49	0.47	0.49	0.51	0.48	0.46	0.29	0.50	0.50	0.38	0.45	0.49
	N	54	44	50	57	40	15	20	7	34	26	8	23	54	69	18	12	529

Notes: '-' means that no data is available for national news debate in this year; F=France, GER=Germany, IRL=Ireland, NL=the Netherlands; UK=United Kingdom, US=United States.

To further explore law's public legitimacy in the mass media, I scrutinized the use of law frames in more detail with regard to the greater framing context. In total, this study distinguishes four grand frames. Next to an international law frame, this analysis looks for identity, interest and universal principles interpretation of the intervention issue. Again simple frequency analysis was used. One of the most important findings again points to the overarching importance of international law for giving intervention debate a frame. Over an extended time period, which stretches from 1990 till 2005, 'law' is the most prominent frame in mass

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ration.

8   Most importantly, Table 2 shows the mean of law articles in media debates in the examined countries, along with the standard deviation and the variance as measures of mean dispersion. The data displayed here is based on 3,309 European and US newspaper articles that discuss issues of intervention as a main issue. For these articles, an in-depth frame-analysis was carried out in order to capture the different qualities of law interpretations of the issue of armed force.

debate about military interventions. In terms of frequency, it easily trumps the visibility of, for instance, interest or identity interpretations in these debates (see Figure 1 in the appendix). Like the analysis of the ten-percent-benchmark, an examination of law framing in context shows that 'law' is enormously present in mass communication about international security issues. Public references to this normative framework seem an integral part of the social debates taking place in European and US media. Legal rules represent the most powerful frame in mass communication about the use of armed force. They are an important argumentative tool – regardless of the direction these debates take, that is whether they take a stance for or against the use of military force.[9] Apparently, international law possesses a pronounced degree of 'public legitimacy'. But what rules in particular generate a sense of obligation in European and US media when military interventions are on the agenda?

This study explores the media visibility of a set of five legal criteria, or sub-frames, which are usually consulted before going to war, i.e. regulations on the "right" to go to war (*jus ad bellum*) as specified in the UN Charter. The focus is on these rules because of the particular dynamic of mass public discourses on military force. Usually, this issue is high on the news agenda before an intervention actually takes place. In the run-up to going to war, public debate about this issue is usually intense and controversial and often addresses questions of the appropriate and lawful use of military measures. This study thus concentrates on five rules which the UN Charter constitutes as fundamental standards on the use of force including (1) the general prohibition of the use of force as a means to 'resolve' international conflict[10], (2) principle of national sovereignty[11], (3) the protection of human rights[12], (4) the UN Security Council as the sole legitimate institution to authorize of the use of armed force[13], and, (5) the right to self-defense in case of an armed attack[14]. Certainly, these regulations are important for governing the use of armed force in a formal sense; yet, what rules generate a sense of 'felt' sense obligation in mass debates?

As to the ranking of these norms in media debate, descriptive statistics clearly yielded two main results. Firstly, all norms played at least some role in national reporting about military conflicts. Secondly, however, there are marked differences as to the degree of media relevance. Looking at the total picture over time, procedural issues and human rights questions clearly 'lead' in mass public debate. This is illustrated by Figure 2 which reports the share of each norm in relation to the total opportunities of display for each country. When newspaper articles address a particular norm in International Law, then they refer most frequently to the UN as the sole decision maker on war and peace and issues of legal procedure such as mandates followed by arguments that draw on moral norms, such as the protection of human rights. Turning to the 'mid-table' norms, Figure 2 reports that 'sovereignty' comes third in frequency of all five norms analyzed, viewed across countries and over time. The two remaining norms, namely the prohibition of the use of force and the right to self-defense, are the least prominent norms. Over the sixteen years of investigation, these two norms account for only a very small share of the more specific content of law debate and sometimes did not appear at all as Figure 2 shows.

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9   On this point, this analysis follows Gamson (1988: 165) and assumes that a frame can bring together varying, even contradictory opinions.
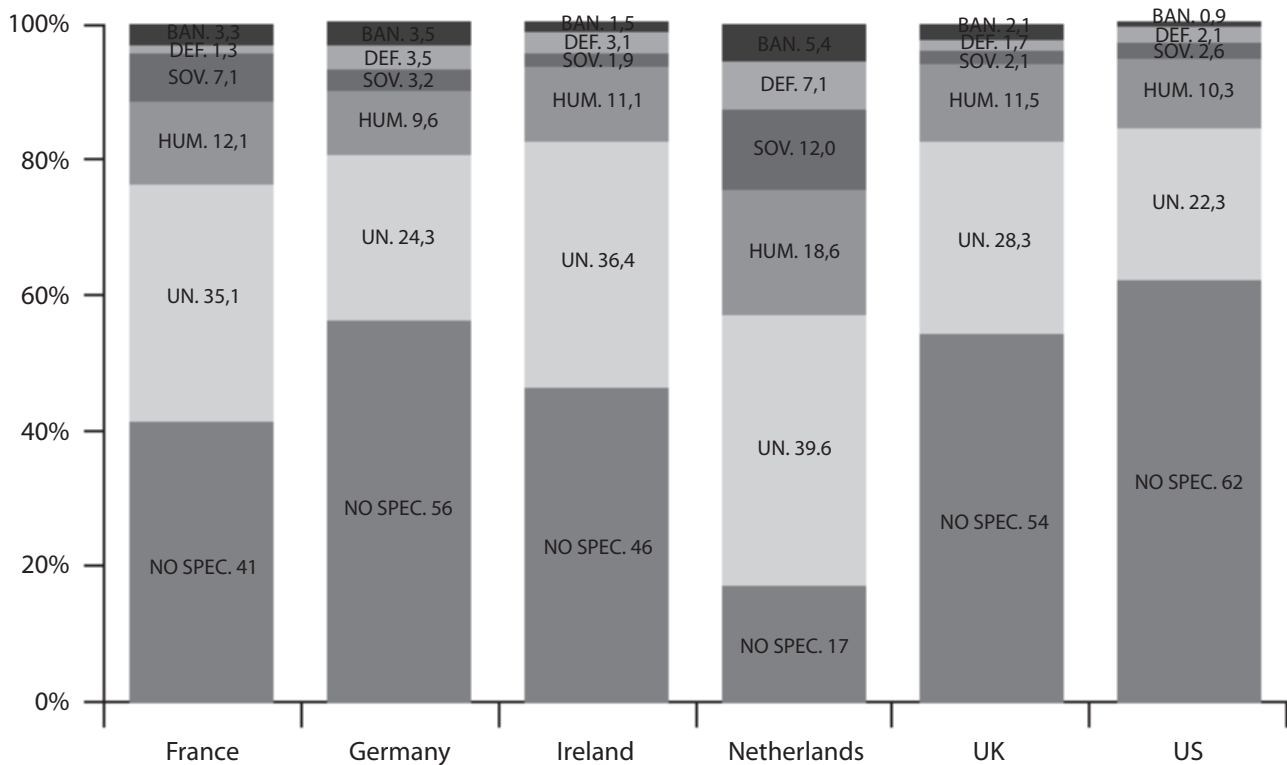
10   Cf. Article 2(4).

11   Cf. Article 2(1) and 2(7).

12   Cf. Article 1(3), 13(1b), 55(c), and 62(2).

13   Cf. Articles 39 and 42.

14   Cf. Article 51.

Figure 2: Specific Law Framing in National Debates

Notes: The figure displays the percentages of the more specific law framing for each country for the whole time period. All categories of the specific law framing are sub-codes of the grand law frame. Each sub-frame can be counted once per article (unit of analysis). It is, however, possible that all frames co-occur in one article at the same time. Percentages express the relative share in relation to the total number of articles per country which discuss military interventions as a central issue (n=3,309). The category *UN* counts references to UN authority to decide on the use of force, *HUM* stands for references to human rights; *SOV* for references to the principle of sovereignty, *DEF* for references to the right of self-defense in case of an armed attack, and *BAN* represents references to the rule that the use of military force is prohibited in international crisis management. All other articles include a law framing but do not specify law debate along the specific legal norms (NO SPECIFICATION).

Because of their overall irrelevance in the mass public repertoire of rules to discuss the use of force, the following analysis will concentrate on the two most prominent norms only, i.e. human rights and the UN monopoly to authorize the use of force. The question is whether international law generally and the specific law framing in relation to UN procedure and human rights generate a shared sense of "public legitimacy' in European and US media debates?

3.2 A Transnational 'Public Legitimacy' of Law in Media Debates?

If the 'public legitimacy' of law is shared across countries, then transnational similarity should be the defining feature of media debate addressing international law norms on military force. Statistical analysis should then reveal that a law framing hardly varies between countries. In this study, the 'transnationalness' of law debate is modeled using linear regressions with the dependent variable reporting the absolute quarterly number of occurrences of a law frame in a newspaper. In sum, three regression models are designed; each addressing one type of legal discourse including an overall debate about international law and more specific debate about human rights and a UN authorization. As to the independent variables, each model includes dummy variables on national location as the core variable of interest in order to test for country effects. I furthermore included controls on possible temporal and economic effects. I controlled for economic factors because I assumed that changes in the overall macroeconomic state of a country – rising unemployment, soaring inflation, weak economic growth, in short: any negative news pertaining to the well-being of the domestic economy – might alter the news value of international security politics and encourage more intense coverage of economic issues, thus diminishing the opportunities for display of intervention articles addressing International Law (Fogarty 2005). I therefore included data on changes pertaining to gross domestic product (GDP), which is a commonly used indicator for the economic performance of a country, as well as the quarterly growth rates for inflation and rates of unemployment as national controls.[15] The common problem that variances of unobserved factors change across sections (countries, newspapers) and influence the outcome of the explanatory variable (heteroscedasticity over cross-sections) was counteracted by computing robust standard errors. In order to examine the impact of location on the intensity of law framing in media communication, I used quarterly panel data obtained from the set of 3,309 newspaper articles, which discuss military interventions as the main issue. The results are summarized in Table 3.

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15   All regressions were computed by using Stata 10.0.

Table 3: Influences on the Frequency of Law Language in Media Reporting on Interventions,

1990 to 2005 [16]

Explanatory Variables	Model (1) Law Generally		Model (2) Human Rights		Model (3) United Nations	
	Coeff.	S.E.	Coeff.	S.E.	Coeff.	S.E.
Location						
France	ref		ref		ref	
Germany	-0.912+	*0.522*	ns		ns	
Ireland	ns		ns		ns	
Netherlands	1.945*	*0.845*	0.931**	*0.299*	ns	
United Kingdom	ns		ns		ns	
United States	ns		ns		-1.135*	*0.564*
Temporal Effects						
1990	ns		ns		ns	
1991	ns		0.459+	*0.267*	ns	
1992	1.453*	*0.639*	1.230***	*0.318*	ns	
1993	1.629**	*0.579*	0.972**	*0.291*	1.043**	*0.376*
1994	ns		0.369*	*0.173*	0.519+	*0.311*
1995	ref		ref		ref	
1996	.884*	*-0.369*	ns		ns	
1997	ns		ns		ns	
1998	2.589***	*0.584*	0.765**	*0.230*	2.186***	*0.436*
1999	1.559*	*0.685*	1.447**	*0.499*	1.041*	*0.474*
2000	ns		ns		ns	
2001	ns		ns		ns	
2002	3.761***	*0.969*	ns		3.264***	*0.779*
2003	5.256***	*1.451*	0.649*	*0.277*	4.186***	*1.155*
2004	ns		ns		ns	
2005	.858*	*0.420*	ns		ns	
Economic Controls						
Growth rate GDP	ns		-0.096*	*0.037*	ns	
Rate Inflation	0.319+	*0.183*	ns		ns	
Rate Unemployment	ns		ns		ns	
Number of observations[16]	550		547		548	
R^2	0.246		0.204		0.246	

Notes: +=$p<0.1$; *=$p<0.05$; **=$p<0.01$; ***=$p<0.001$; ns: not significant; ref: reference category. Robust standard errors (S.E.) in *italics*

One of the most important findings of the regression is the general insignificance of country effects for the visibility of an international law 'lense' in newspaper reporting. Table 3 shows that the country coefficients, France is taken as a reference in all three regression models, are mainly insignificant. Tests taking a different category of comparison (the United Kingdom) repeat this finding; again, variations in national location hardly translate into different outcomes of mass debates about international law (data

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16 To compute the regression, I used quarterly panel data on the absolute number of occurrences of a particular law frame in a newspaper. Ideally, the analysed time period from January 1990 till December 2005 comprises 64 quarters. In total, I analysed eleven newspapers and 64 quarters maximum which would add to 704 observations maximum. Yet, the actual number of observations is smaller because not all newspapers were available in digital format from January 1990 onwards (see Table 1 in the appendix).

available on request). This suggests that law language is more or less used with a similar visibility across European and US news discourses. Only minor exceptions remain that, however, do not even reach strong significance levels. Model (1), reporting the findings for the overall law debate, and Model (2), displaying country effects on more specific debate about human rights, indicate that Dutch newspapers publish slightly more law articles per quarter than the reference category, the French newspapers. Another 'outlier' is US media where debate about UN mandates features significantly less intense as compared to the reference country; in all European countries, however, procedural law debate is similarly visible. Although the regressions point to a Dutch peculiarity and a modest transatlantic divide on procedural questions of armed force, transnational similarity is the overall defining feature of mass debate about international law. The overall picture that emerges from the regressions is that an international law 'lense' on military conflict is part and parcel of mass media practices in the US and a number of European countries.

Turning to the macroeconomic controls, Table 3 reports that, contrary to some expectations in the literature (Fogarty 2005), hardly any of them affects the volume of legal framing. There is a significant effect of the GDP rate as reported in the second model but since it is very small (-0.096) and weakly significant, it does not invite further interpretation. The overall message thus is that there hardly seems any relation between changes in the economic environment of a country and the interest of the readership in reading about issues of international security politics from a law perspective.

Yet, considering single year effects tells an interesting story about public debate addressing international law.[17] Unlike the other determinants, temporal variables possess a relatively high explanatory power. Tests with stepwise regression show that including temporal effects increases the R^2 substantially (data available on request).[18] As documented in Table 3, all models show a generally strong relation between the time of news discourse and the intensity of law language. They report a number of years that lead to a significantly higher framing activity including 1993, 1998, 1999, and 2003. 2003, when the Iraq War began, is a particularly powerful year to generate most intense public debate about the legal regulations on using force generally and seeking a UN authorization in particular. In this year, about four to five more articles are published than in the reference category (1995). Debate about humanitarian aspects of the use of force in the Balkan region reaches a climax in 1999 when NATO air strikes hit Kosovo. In sum, while one hardly finds statistically significant differences between the national locations of debate, the analysis of temporal effects shows framing variation in regard to the situational context, i.e. the international hot spot on the news agenda.

Why this might be so may not be too difficult to understand. My conjecture, that, however, requires more systematic testing, is that the time of debate is a proxy for the degree of public controversy surrounding an intervention. It seems that media interpretations of the 'public legitimacy' of international law then flourish when the stakes are high for political actors appearing on the media stage, i.e. when they face

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17   In order to analyze temporal effects, I added dummies for each year of analysis. They provide a good picture of peaks and lows in the frequency of law framing relative to the reference baseline, for which 1995 was chosen since it is the first year for which data was available for all eleven newspapers.

18   Taking debate about law generally as an example, tests with stepwise regression showed that the model misfit is substantially higher when one only includes the variables for national location and the economic controls. For this regression, R2 takes a value of only 7.3 per cent. The model fit increases substantially, to about 24.6 per cent, when one adds controls for single year effects.

strong public protest in the run-up to a prospective use of military force. This is implied by an analysis of Gallup and Transatlantic Trends survey data. It shows that the intensity of law framing activity varies the same with the perceived public controversy of an intervention. When the broader public perceives an intervention as highly contested, as was the case with the 2003 Iraq War,[19] law is likely to play an important role in media reporting. When, however, the prospective use of force only meets moderate public protest, as, for instance, in the American public on the intervention in Afghanistan,[20] law is likely to matter less in media reporting. The underlying logic is straightforward. As argued before, media debates in Western liberal democracies underlie communicative pressures that advance a particular logic of social action; they tend to follow a logic of the appropriate argument, particularly when a highly sensitive issue such as the use of armed force is debated in front of a mass audience. Framing the (non-)use of force in terms of the rule of law is likely to resonate well with the broader public as a result of which it is a very visible and widely used argument to mobilize for and against 'waging war'.

4.   Concluding Remarks

This study added new empirical insights into international legalization processes taking place in the Western transatlantic media debates, thus complementing conventional IR analysis of legalization. While most literature follows a 'narrower' understanding of law and analyses international law in the bureaucratic context of formal rule generation and application, this article takes a broader, sociological approach. The core question raised at the outset was whether a 'public legitimacy' of international law has taken hold and been shared in national debates of the Western world which in this study encompassed five European countries and the US. This research interest bases on the diagnosis that empirical IR analysis to date has hardly explored 'legitimacy' as part of legalization phenomena although it may have practical consequences in international security politics. Legitimate law may generate a sense of felt obligation and even lead to a compliance pull on the international stage. Given the meaningful link between legitimacy and political behavior, studying whether international law norms coincide with a larger public understanding of accepted standards of behavior is worthwhile. To examine 'public legitimacy', debates on military interventions channeled by national mass media provide an excellent laboratory. National media spheres are a politically most relevant arena for public validity assessments. They allow for inferences about the dynamics that govern the mass public constructions of legitimate legal regulations in the field of war and peace. Not least and because of the contested nature of military interventions, these debates constitute a most likely case for general validity assessments to emerge.

The thrust of this article was a comparative media analysis of international law framing in the context of military interventions. The findings tell a clear story of what may be termed 'discursive legalization'. When newspaper debates in the US, UK, the Netherlands, France, Ireland, and Germany report on military conflicts in the post-Cold War era, the lense of 'an international rule of law' is overwhelmingly shared

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19   See German Marshall Fund of the United States and the Compagnia di San Paolo (2003a, b) and Asmus et al. (2003).

20   See Newport (2008) for a summary of a Gallup survey on American public perception (2002-2008) of US in-volvement in Afghanistan.

across all countries. Other frames, adopting an interest- or identity-perspective, for instance, hardly matter. Furthermore, there is evidence that questions of war and peace are increasingly interpreted with reference to procedural legal standards (i.e. the UN Security Council monopoly to decide on the use of force) and moral legal standards (i.e. the protection of human rights). Both rules generate a transnational sense of 'public legitimacy'. Also a modest transatlantic divide on procedural issues - US media reporting shows less intense verbal commitment to UN multilateralism than European news debate - does not alter the overall picture which is that of an almost homogenous Western discourse about the use of armed force primarily framed with regard to international law. The present study therewith reports the deep embedding of a 'rule of law' approach in the social practices of Western countries. This frame constitutes *the* most relevant discursive room of manoeuvre on the controversial issue of military force and is very visibly used to argue for *and* against the use of military means.

This study has some shortcomings that merit debate. First, this examination concentrated on six Western countries. Given the focus on countries from the transatlantic context, this of course limits the generalizability of findings on a Western level. Yet, I believe that this selection includes those countries of the Western world, which are generally considered as important on the international stage, in terms of both political influence and economic capabilities. In addition, the empirical framework of this study easily allows for empirical extensions by further country cases. Future research should explore whether these findings can be generalized on a broader Western level by including more countries such as Israel or Canada, for instance. This would add a genuinely Western facet to the set of countries so far included in the investigation. Second, this study puts a strong emphasis on the generation and description of data and engages less in explanations of reasons for and effects of the prevalence of law as an overall transnational media frame. The present analysis, however, is a pilot study. It therefore cannot draw to previous data which is why a major activity of this examination involved a 'mapping exercise' with the main objective to provide a longitudinal, continuous picture of the scope and content of an 'international rule of law' framing in European-US mass communication.

These reservations notwithstanding, this article should be considered an empirical contribution to a richer understanding of legalization. In addition to studying manifestations of legalization in structures of bureaucracies, which has been extensively done in the past, legalization is also a phenomenon that is observable in the practices of mass public spheres of the Western world. The present study offers convincing long-term evidence of a strong and transnational 'public legitimacy' of international law regulations on the use of force law. These findings can be considered a starting point for future research that should engage in explanations and effects of international law's 'public legitimacy' in empowering political actors.

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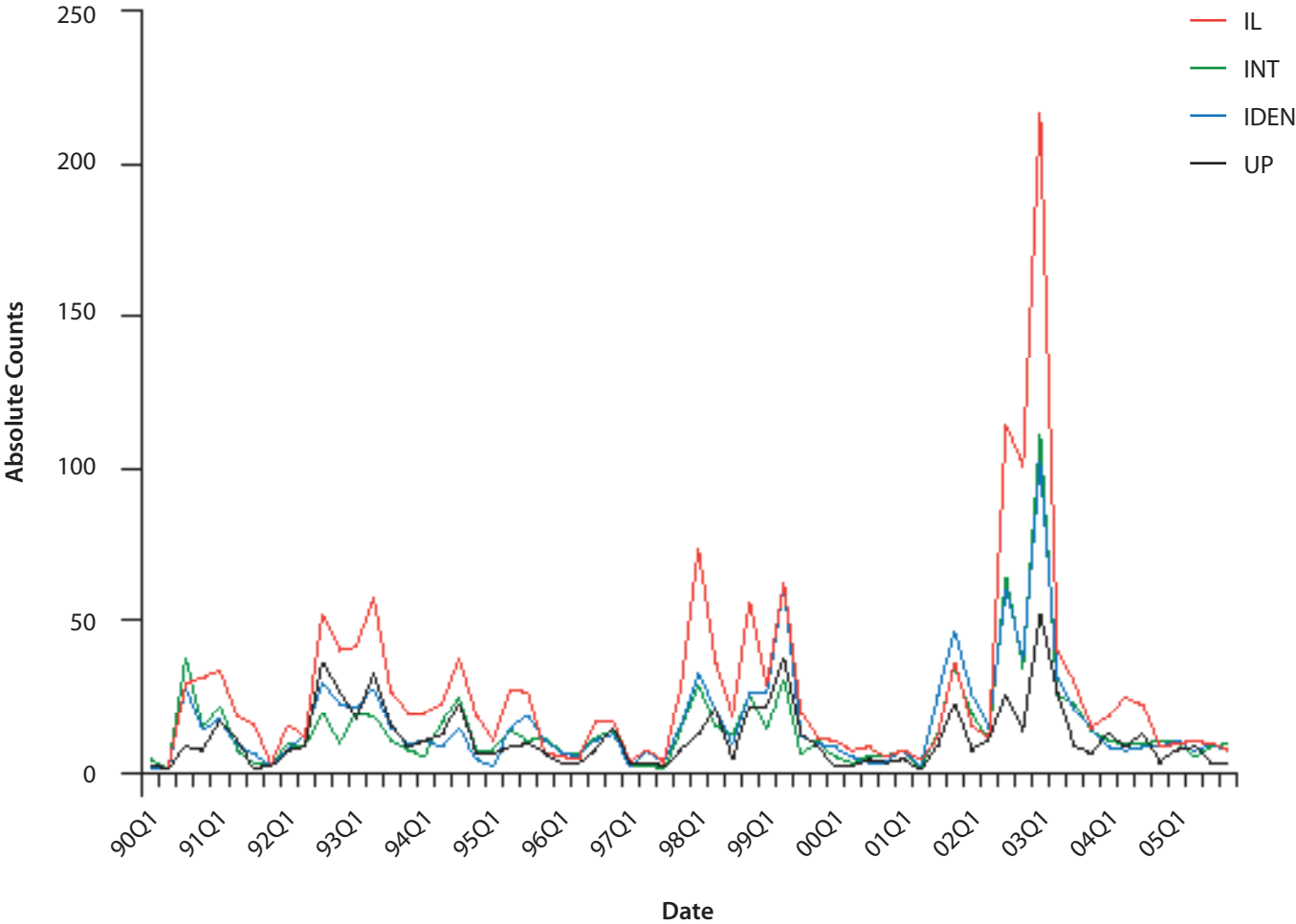*Zangl, Berhard/Zuern, Michael* 2004 (eds.): Verrechtlichung – Baustein für Global Governance?, Bonn.

Appendix

Table 1: Overview of Newspapers and Time Periods of Analysis

Country	Newspaper	Orientation	Electronic Availability	Missing Time Periods
France	Le Monde	L	02/01/1990 till 31/12/2005	No missing years/months
	Les Echos	C	05/01/1993 till 30/12/1996	1990; 1991; 1992
	Le Figaro		09/01/1997 till 31/12/2005	1992; 01 till 04/01/1993
Germany	Sueddeutsche Zeitung	L	11/02/1991 till 31/12/2005	1990; 01/01/1991 till 10/02/1991
	Frankfurter Allgemeine Zeitung	C	02/01/1993 till 31/12/2005	1990; 1991
Ireland	Irish Times	L	01/06/1992 till 31/12/2005	1990; 1991; 01/01/1992 till 30/05/1992
The Netherlands	De Volkskrant	L	02/01/1995 till 31/12/2005	1990; 1991; 1992; 1993; 1994
	NRC Handelsblad	C	08/01/1990 till 31/12/2005	01 till 06/01/1990
United Kingdom	The Guardian	L	01/01/1990 till 31/12/2005	No missing years/months
	The Times	C	01/01/1990 till 31/12/2005	No missing years/months
United States	New York Times	L	01/01/1990 till 31/12/2005	No missing years/months
	Washington Post	C	01/01/1990 till 31/12/2005	No missing years/months

Notes: L=liberal newspaper; C=conservative newspaper.

Figure 1: Frequency Distribution of Frames in Intervention Debate

Notes: Shown are the absolute figures for the occurrence of a masterframe in the sample of articles that discuss military interventions as a main issue (n=3,309 articles). Each masterframe is counted once per article, even if mentioned more often (International Law=IL, Identity=IDEN, Interests=INT, Universal Principles=UP).

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